

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:21-CV-107-GCM**

SNEHA AMIN,

Plaintiff,

v.

ALEJANDRO MAYORKAS, Secretary of U.S.
Department of Homeland Security,
MERRICK GARLAND, Attorney General of the
United States, **TRACY RENAUD**, Senior Official
Performing the Duties of the Director, USCIS;
CHRISTOPHER HEFFRON, District Director
Charlotte Field Office, USCIS,

Defendants.

ORDER

This matter coming on to be heard on motion of Defendants in the above-captioned case that the Court 1) partially dismiss Plaintiff Sneha Amin's Petition for a Writ in the Nature of a Mandamus (Doc. 1) (the "Petition"), pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, on grounds of failure of subject matter jurisdiction as it relates to relief under the Administrative Procedure Act or the Mandamus Act; and 2) remand the remnant of the matter as to which the Court does enjoy jurisdiction pursuant to 8 U.S.C. § 1447, to the United States Citizenship and Immigration Services for adjudication; and the Court, having considered the matter and reviewed the complaint and answer and other relevant court papers,

IT IS THEREFORE ORDERED THAT:

1. Subject matter jurisdiction exists pursuant to 8 U.S.C. § 1447, which provides for judicial review of a determination or a failure to act in connection with naturalization applications, like those of the Plaintiff herein;
2. The Court denies all other asserted bases of jurisdiction, including jurisdiction with respect to the Administrative Procedure Act and/or the Mandamus Act, and dismisses any claims for relief in the action brought under those statutes;
3. Pursuant to 8 U.S.C. § 1447(b), the Court hereby remands the remnant of this matter, over which it now exercises jurisdiction, to the United States Citizenship and Immigration Services for adjudication *forthwith*.

Signed: December 1, 2021

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

